



International Council of Shopping Centers, Inc.
555 12th Street, NW, Suite 660, Washington DC 20004-1200
+1 202 626 1400 • Fax: +1 202 626 1418 • www.icsc.org

2-6

March 9, 2012

To: Senator Steve Cassano, Co-Chairman
Representative Linda M. Gentile, Co-Chairman, and
Members of the Planning and Development Committee

From: Kevin Solli, Connecticut Government Affairs Chairman,
International Council of Shopping Centers (ICSC)

Subject: Senate Bill No. 343 An Act Concerning Intervention in Permit Proceedings Pursuant to the
Environmental Protection Act of 1971

The International Council of Shopping Centers (ICSC) was founded in 1957 as a professional trade association for the shopping center industry. We have nearly 600 members in Connecticut and almost 60,000 members in about 90 countries. ICSC members include shopping center owners, developers, managers, marketing specialists, investors, retailers and brokers, engineers, architects, contractors, academics, students, and public officials. As a professional engineer working in the Shopping Center industry, I consider it a privilege to have designed and created some of the downtown centers and shopping malls that hundreds of thousands of people enjoy every day.

The Connecticut Environmental Protection Act of 1971 was created with the best intentions, to ensure that projects that could cause irreparable harm to the environment would not be allowed to move forward. However, over the past forty years, extensive federal, state and local regulations have been established which now serve in that same function. While people can point to examples of how 22a-19 has been used to stop "ill-advised" developments, there are countless examples of how 22a-19 has been used as a way to kill projects for competitive interests, and thwart economic development and investment in the state.

Throughout the state, local Inland Wetland and Planning and Zoning Commissions are empowered to review applications, hire peer review professionals, and require that applicants provide enough evidence to demonstrate that their projects will not cause adverse impact to the environment. These elected commissioners work tirelessly on these projects, reviewing evidence, consulting with municipal engineers, attorneys and planners, and are relied upon to make informed decisions. When an intervention petition is filed without any evidence to support the alleged impact to the environment, it undermines the process and principals that are imperative to local governance. It is reasonable to require intervention petitions to be accompanied by evidence to support the claim of an environmental impact, and to require intervenors to disclose funding sources for petitions. Providing information on funding sources will create transparency around intervention petitions and should quickly separate the legitimate interventions from the frivolous petitions only fueled and funded by competitive interests. These petitions cause delays, kill projects, and put Connecticut at a competitive disadvantage when compared to surrounding states that do not have similar statutes.

The ICSC, its members, and I support Senate Bill 343 and reform of 22a-19. To be clear I am not opposed to responsible interventions, or protecting the environment. As an engineer I feel I have a duty to protect the environment, and create places that are harmonious with the surrounding community. I am opposed to the continued abuse of this statute, and allowing petitioners to use the "environment" as an excuse to stop economic development and investment in this great state. This bill must be reformed, and the time for that reform is now. Thank you for your consideration.